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COORDINATION QUESTIONS

Relationship agreements between the United Nations and member organizations of the United Nations common system

Note by the Secretary-General

1. The General Assembly, in paragraph 11 of its resolution 46/191 B of 31 July 1992, had called on the Economic and Social Council to review and, where appropriate, strengthen the applicable sections of the relationship agreements between the United Nations and member organizations of the United Nations common system, in particular article VIII of the relationship agreement between the United Nations and the International Telecommunication Union (ITU), in order to enhance comparability and further adherence to the goals and objectives of the common system.

2. At its organizational session of 1993, the Economic and Social Council adopted decision 1993/211 to initiate discussion of relationship agreements between the United Nations and member organizations of the United Nations common system at its substantive session of 1993. To facilitate the discussion, the Council requested, inter alia, that a background document be prepared on the subject by the Secretary-General. The current note serves to fulfil this request.

The Relationship Agreements

3. Article 63 of the Charter of the United Nations provides that the Economic and Social Council "may enter into agreements with any of the [specialized] agencies referred to in Article 57 [of the Charter], defining the terms on which the agency concerned shall be brought into relationship with the United Nations. Such agreements shall be subject to approval by the General Assembly".

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* E/1993/100.

4. Pursuant to Article 63, relationship agreements have been concluded between the United Nations and the specialized agencies setting out, inter alia, and in somewhat varying terms, a commitment to develop, as far as practicable, common personnel standards. Thus, article VIII (Personnel Arrangements) of the agreement between the United Nations and the ITU, which entered into force on 1 January 1949, provides as follows:

> "1. The United Nations and the Union agree to develop, as far as is practicable, common personnel standards, methods and arrangements designed to avoid serious discrepancies in terms and conditions of employment, to avoid competition in recruitment of personnel, and to facilitate any mutually desirable interchange of personnel in order to obtain the maximum benefit from their services.
>
> "2. The United Nations and the Union agree to cooperate to the fullest extent possible in achieving these ends."

5. The language of the above-quoted article, as well as that of corresponding articles on personnel arrangements in the other relationship agreements, does not amount to an obligation to adopt and comply with any common personnel standards. In these articles, the agencies undertake to develop, to the extent feasible, 1/ or as far as is practicable, 2/ common standards, methods and arrangements designed to avoid serious discrepancies 3/, 4/ in conditions of service.

The statute of the International Civil Service Commission

6. By its resolution 3357 (XXIX) of 18 December 1974, the General Assembly approved the statute of the International Civil Service Commission (ICSC), which the Assembly established "for the regulation and coordination of the conditions of service of the United Nations common system" (see art. 1 (1) of the ICSC statute) and invited the other organizations participating in the common system to accept that statute. 5/

7. By adhering to the statute of the ICSC, the agencies agreed that the purpose for which the ICSC has been established is to further the aim of developing a unified international civil service through the application of common personnel standards, methods and arrangements (see arts. 1 and 9 of the statute). They also agreed to the following arrangements:

(a) Under article 25, they agreed to apply, with effect from a date to be determined by ICSC, decisions of ICSC on those matters which it is empowered to establish or determine (see arts. 11, 12 (2) and 13 of the statute);

(b) Under article 24, they agreed to take action, under their constitutional procedures, on decisions taken by the General Assembly on the recommendations of ICSC made pursuant to article 10 of the statute;

(c) Finally, they agreed to the authority of ICSC to make recommendations to the agencies on matters described under articles 14, 15 and 16 of the statute. Though these recommendations presumably do not require automatic and full compliance of the agencies, the nature of ICSC functions, as accepted by

the agencies which adhered to its statute (see para. 6 above), still requires that these recommendations be accorded considerable respect.

Summary of recent events

8. Further to a decision of the ITU Plenipotentiary Conference held in 1989, a high-level committee composed of 21 member States of ITU was established to consider basic changes in the functioning of the organization. In his 1991 report to the ITU Administrative Council on the implementation of the recommendations of the high-level committee, the Secretary-General of ITU suggested that a special post allowance be given to staff members who contributed effectively to the implementation of the Committee's recommendations, as recognition of the additional work accomplished. The ITU Administrative Council concurred with this proposal. Accordingly, the ITU Secretary-General informed all staff members of the decision to entrust to them additional tasks of a temporary nature.

9. After receiving information on the above decision of the ITU Administrative Council, a number of delegations in the United Nations General Assembly requested, in June 1991, that a resumed session of the Fifth Committee be convened in order to review the implications of this decision for the United Nations common system. The Fifth Committee had before it a background paper prepared by the ITU secretariat. The General Assembly adopted resolution 45/268 of 28 June 1991 in which, inter alia, it requested ICSC to examine, within the context of its work programme, the basis for the decision taken by ITU and its implications for the common system, and to report thereon to the General Assembly at its forty-sixth session.

10. This request was addressed by ICSC at its thirty-fourth session, in August 1991. The unilateral action by ITU was deeply regretted and was considered incompatible with the common system. The ICSC position was endorsed by the General Assembly in Part II, paragraph 3 of its resolution 46/191 A of 20 December 1991. In this resolution, the Assembly also appealed to the organizations of the United Nations common system to refrain from seeking to establish for their staff entitlements and benefits in addition to those established for all common system staff.

11. The position of ICSC and the United Nations General Assembly was brought to the attention of the July 1992 session of the ITU Administrative Council. By its resolution R.1024 of 8 July 1992, the Council accepted the views of the Commission, endorsed by the United Nations General Assembly, with regard to payment of a special post allowance to ITU staff. However, since the initial decision regarding payment of SPA was intended to be implemented in two instalments, that is, for the periods from 1 July to 31 December 1992, and from 1 February to 31 July 1992, it was concluded that there was a legal commitment to grant the special post allowance to those staff members who had actually performed the additional work. Accordingly, the Administrative Council and the Secretary-General of ITU did not take any action to stop payment of the second instalment of SPA in 1992.

12. After being informed of this action by ITU, a number of delegations in the United Nations General Assembly requested that a resumed session of the Fifth Committee be convened in order to reopen consideration of the agenda item

"United Nations common system". As a result of its deliberations, the General Assembly adopted resolution 46/191 B of 31 July 1992, which is referred to in paragraph 1 above. In this resolution, in addition to addressing a request to the Economic and Social Council to review the relationship agreements, the Assembly also requested ICSC to assess the impact on the United Nations common system of resolution R.1024 of the ITU Administrative Council with respect to the payment of SPA, and to recommend appropriate measures to the forty-seventh session of the Assembly.

13. This request was addressed by ICSC at its thirty-sixth session in July-August 1992. The Commission reiterated that the action by ITU was contrary to the norms of the common system; decided to study, on a priority basis, staff rules and regulations of the common system organizations with a view to identifying serious discrepancies; and urged United Nations organizations to consult with the Commission on all issues related to the conditions of service of common system staff. This position was endorsed by the General Assembly in Part I.A, paragraph 3 of its resolution 47/216 of 23 December 1992.

14. At its seventy-fifth session, reviewing, inter alia, developments in ITU, the Consultative Committee on Administrative Questions (Personnel and General Administrative Questions) (CCAQ (PER)) emphasized that instead of focusing on ad hoc solutions adopted by individual agencies, it was more important to concentrate on the concept and validity of the common system itself. The original rationale for the creation of a common system of salaries and allowances, which framework had been established under the relationship agreements between the United Nations and specialized agencies, had been to preclude competition among agencies; it had not been seen as a device to hold organizations down. At present, the problem appeared to be largely that there was an excessively rigid interpretation of the common system, which to some extent presented an obstacle to timely changes in the area of personnel management (ACC/1991/17, paras. 151-154).

15. At its seventy-eighth session, in March 1993, CCAQ (PER) addressed the issue of relationship agreements in the light of the request to the Economic and Social Council in General Assembly resolution 46/191 B. In the course of discussion, it was noted that the phrase "as far as is practicable" (see para. 4 above) in article VIII of the relationship agreement between ITU and the United Nations is deemed to reflect the practical reality of the extent to which cooperation between the two organizations can be realized in the development of common personnel standards. It was also noted that such a phrase, in one form or another, is included in each of the relationship agreements: some refer to cooperation to the fullest extent possible in achieving the common goals in personnel policy; others refer to the development of common goals to the extent possible or feasible; and still others agree to cooperate as necessary to ensure as much uniformity as possible in the conditions of employment of personnel. CCAQ, having taken careful note of the points raised by the General Assembly in resolution 46/191 B and the reaction thereto by the Economic and Social Council, concluded that it could not identify any problems at the working level with the current relationship agreements (ACC/1993/6, para. 9).

16. At its first regular session of 1993, the attention of the Administrative Committee on Coordination (ACC) was also drawn to the request of the General Assembly pursuant to resolution 46/191 B. In this connection, ACC noted the above conclusion of CCAQ (PER) (ACC/1993/14, para. 20).

Notes

1/ See Article XVIII (1) of the Agreement Concerning the Relationship between the United Nations and the International Atomic Energy Agency.

2/ See Article VIII (1) of the Agreement between the United Nations and the International Telecommunication Union.

3/ See Article XIII (1) of the Agreement between the United Nations and the United Nations Educational, Scientific and Cultural Organization.

4/ See Article XI (1) of the Agreement between the United Nations and the International Labour Organisation.

5/ The ITU adhered to the statute of the ICSC on 16 June 1975.